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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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| 10/008,932 | 11/09/2001 | Jeffrey Oliver | 100.343US01 | 4790 |
| 34206 | 7590 | 11/03/2005 | EXAMINER | |
| FOGG AND ASSOCIATES, LLC | | | MADAMBA, GLENFORD J | |
| P.O. BOX 581339 | | | | |
| MINNEAPOLIS, MN 55458-1339 | | | ART UNIT | PAPER NUMBER |
| | | | 2151 | |

DATE MAILED: 11/03/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

| | | |
|------------------------------|------------------|---------------|
| Office Action Summary | Application No. | Applicant(s) |
| | 10/008,932 | OLIVER ET AL. |
| | Examiner | Art Unit |
| | Glenford Madamba | 2151 |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) Responsive to communication(s) filed on 15 August 2005.

2a) This action is **FINAL**. 2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) Claim(s) 1-3,5-9,11-14,16,19-21 and 23-25 is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) Claim(s) _____ is/are allowed.

6) Claim(s) 1-3, 5-9, 11-14, 16, 19-21, and 23-25 is/are rejected.

7) Claim(s) _____ is/are objected to.

8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.

 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All b) Some * c) None of:

1. Certified copies of the priority documents have been received.
2. Certified copies of the priority documents have been received in Application No. _____.
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

| | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____. | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| | 6) <input type="checkbox"/> Other: _____. |

DETAILED ACTION

Response to Amendment

1. This action is in response to amendments filed on August 15, 2005.

2. As of this stage in the examination process, Claims 1, 5-9, 11, 13, 16, 19, and 23-24 have been amended by Applicant. Claims 4, 10, 15, 17, 18, and 22 have been cancelled and incorporated into their respective independent claims. Thus, claims 1-3, 5-9, 11-14, 16, 19-21, and 23-25 are currently pending in the application.

Response to Arguments

1. Applicant's arguments filed August 15, 2005 have been fully considered but are now considered moot in light of the new grounds of rejection provided below.

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

1. Claims 1-3, 5-9, 11-14, 16, 19-21, and 23-25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Talluri et al (hereinafter Talluri), US Patent 6,748,429 in view of Faupel et al (hereinafter Faupel), US Patent 6,349,334.

2. Regarding claim 1 (Currently amended), Talluri in view of Faupel discloses a method for effecting a configuration change in a telecommunications system [Faupel: Abstract], comprising:

receiving a request for a system change [Col 6, Lines 66-67 & Col 7, Line 1];
performing a plurality of checks to determine if the current setting of the particular configuration allows the requested change [Col 6, Lines 27-32, 39-46; Col 7, Lines 28-33];

updating the system [Col 4, Lines 9-11 & Col 7, Lines 6-11 and 39-48], and, comprising:

changing the rules for other parameters in the system depending upon a current system change request, the rules comprising one or more of alarm settings, range settings, and mode settings; and
changing the configuration in response to the change request [Col 4, Lines 12-14, Col 7, Lines 60-67 & Col 8, Lines 1-6].

; and carrying out the requested change [Col 4, Lines 12-14, Col 7, Lines 60-67 & Col 8, Lines 1-6].

Regarding the 3rd limitation of claim 1, Talluri discloses as his invention a method for enabling the dynamic modification of cluster configurations, and apparatus including software to perform the method. When a reconfiguration command (change request) is given, the configuration table is changed and all the nodes in the cluster are notified of the changed configuration in parallel. Following the notification by the nodes of the changed cluster configuration, the changes to the cluster are implemented dynamically as specified by the command [Abstract] [col 3, line 65 – col 4, line 14].

While Talluri discloses substantial features of the invention such as the method limitations of receiving a request, performing a plurality of checks for determining if the current setting of the particular configuration allows the requested change, updating the system, and carrying out the requested change; Talluri does not explicitly disclose updating the system comprising: changing the rules for other parameters in the system depending upon a current system change request, the rules comprising one or more of alarm settings, range settings, and mode settings.

This is disclosed by Faupel in his invention of a management method and system for managing a telecommunications network. The system comprises a database including information about the managed network, said information being in the form of

objects that relate to the network elements to be managed and in the form of references between the different objects, said references indicating the dependencies between the objects [Abstract]. Faupel discloses the basic situation in network management is usually one of a operator managing a telecommunication networks (e.g., a telephone company) has a plurality of customers (i.e., network users) in addition to the physical network [col 1, lines 12-16]. The management of a telecommunications network is usually divided into four different levels, one of which is the network management layer, which is concerned with the management of the entire telecommunications network, such as overall management of connections and end-to-end supervision of their condition. This means that "alarms" (example given) detected on equipment are not just displayed against that equipment, but they are also propagated to show what services (paths and circuits) are affected by the fault (if any) [col 1, line 63 – col 2, line 4]. Faupel further discloses that unlike conventional network management methods wherein configuration changes, such as creation of new end-to-end connections, have been laborious and time-consuming, as the end result consists of several configuration events the prerequisite of which is that the maintenance staff of the network first gets an overall view of the situation and then decides on configuration changes required in individual network elements; the network management system of the invention provides an overall view of the network and its condition is produced within the system, and the system itself gives the required configuration commands to each transmission equipment [col 2, lines 17-32].

Additionally, Faupel discloses that "objects" are the data structures in the network management system, which describe the functions and state of a network component [col 3, lines 32-40]. A network object may have a number of different "attributes". Some attributes (such as "fault state") are used by several different types of object. In addition, some types of network object (such as route), it is convenient to define an attribute which consists of a collection of other attributes. Typical attributes are e.g. "availability status", "fault state" and "operational state". The attributes have different possible values e.g. fault state can have values: "OK – there are no problems"; "Warning (Alert) – there are outstanding faults, but these do not affect services"; "Failed"; "Degraded"; "Unknown"; "Enabled"; or "Disabled" [col 4, lines 1-16].

Faupel teaches that applications can change the attributes of an object in the database 32, in which case the function of the core is to inform the concerned network element 33 of the change, and notes that the network comprises a plurality of separate elements each describing a small portion of a connection [col 4, lines 33-38 & 45-50]. He also teaches that due to the complex dependencies of the objects, holding one object in memory may require others to be held as well (rule). Similarly, locking one object may require others to be locked (rule). As an example, when an application locks a path object so as to change its route, it must also lock the objects that represent the network elements that will change as a result [col 4, lines 51-61].

It would therefore be obvious to one of ordinary skill in the art at the time of the invention to combine and/or modify Talluri's invention with the feature of updating the system comprising: changing the rules for other parameters in the system depending upon a current system change request, the rules comprising one or more of alarm settings, range settings, and mode settings, as disclosed by Faupel, for the motivation of providing network management layer support in a telecommunications system, which is concerned with the management of the entire telecommunications network, such as overall management of network connections [col 1, lines 42-63].

3. Regarding claims 2 and 20 (Original), Talluri discloses the method of claim 1, wherein performing a plurality of checks comprises: determining whether the system change request is allowed by a current system configuration [Col 7, Lines 28-33; also Figure 4a, items **417 and 425**].
4. Regarding claims 3 and 21 (Original), Talluri discloses the method of claim 2, wherein determining comprises: consulting an information database for a valid parameter setting for the system change request [Col 4, Lines 1-9; Col 5, Lines 64-67; Col 6, Lines 1, 9-14; also see Col 8, Lines 44-57].
5. Regarding claims 5 and 23 (Currently amended), Talluri discloses the method of claim [[4]]1 wherein changing the rules comprises:

consulting a set of system change parameter rules for the requested system change [Col 7, Lines 22-27; Col 8, Lines 53-57],

consulting a set of other parameter rules for any parameters affected by the requested system change [Col 7, Lines 56-64], and

changing the available other parameter rules for each other parameter affected by the requested system change to allow only those other parameter rules that are available given the requested system change [Col 8, Lines 10-17; also Col 8, Lines 59-67 & Col 9, Lines 1-6].

6. Regarding claims 6 and 24 (Currently amended), Talluri discloses the method of claim [[5]]1, wherein changing the configuration comprises: modifying a set of parameter rules for any other parameter required by the requested system change [Col 7, Lines 22-27 and 56-64; Col 8, Lines 10-17].

7. Regarding claims 7 and 25 (Currently amended), Talluri discloses the method of claim 1, wherein carrying out the configuration requested change comprises: storing the system change [Col 4, Lines 4-11; also see Col 8, Lines 40-44], and making changes to hardware in the system affected by the system change [Col 1, Lines 56-57, Col 7, Lines 56-67 & Col 8, Lines 1-6].

8. Regarding claim 8 (Currently amended), Talluri in view of Faupel discloses a method for effecting a requested system change in a telecommunications system [Faupel: Abstract], comprising:

performing a plurality of checks to determine if the current setting of the particular configuration allows the requested change [Col 6, Lines 27-32, 39-46; Col 7, Lines 28-33];

updating the system [Col 4, Lines 9-11 & Col 7, Lines 6-11 and 39-48], and, comprising:

changing the rules for other parameters in the system depending upon a current system change request, the rules comprising one or more of alarm settings, range settings, and mode settings; and
changing the configuration in response to the change request [Col 4, Lines 12-14, Col 7, Lines 60-67 & Col 8, Lines 1-6].

; and carrying out the requested change [Col 4, Lines 12-14, Col 7, Lines 60-67 & Col 8, Lines 1-6].

Regarding the 3rd limitation, Claim 8 is similarly rejected using the citations and rationale provided above for claim 1 as the limitations of claim 8 are contained in claim 1.

9. Regarding claim 9 (Currently amended), Talluri in view of Faupel discloses a method for operating a systems operation module in a telecommunications system, comprising:

receiving a request for a system change [Col 6, Lines 66-67 & Col 7, Line 1], determining changes to be made to the system to effect the system change [Col 7, Lines 22-27], and making the system change [Col 4, Lines 12-14, Col 7, Lines 60-67 & Col 8, Lines 1-6],

wherein determining changes to be made to the system comprises:

consulting an information database for a rule set for the requested system change, the rule set comprising one or more of alarm settings, range settings, and mode settings: and
reconciling the requested system change with all system parameters affected by the requested system change.

Regarding the 4th, 5th, and 6th limitations of the claim, Claim 9 is also rejected using the citations and rationale provided for claim 1 above as the limitations of claim 8 are contained in claim 1 (consulting an information database for a rule set).

10. Regarding claim 11 (Currently amended), Talluri discloses the method of claim [[10]]9 wherein reconciling comprises: configuring available options for affected parameters according to the rule set for the requested system change [Col 7, Lines 22-27,60-67 & Col 8, Lines 10-17].

Claim 11 is similarly rejected using the citations and rationale provided for claim 1 above as the limitations of claim 8 are contained in claim 1.

11. Regarding claim 12 (Original), Talluri discloses the method of claim 9, wherein making the system change comprises: writing a new configuration to a system information database [Col 6, Lines 38-39 and 45-46], and changing hardware of the system to effect the system change [Col 1, Lines 56-57, Col 7, Lines 56-67 & Col 8, Lines 1-6].

12. Regarding claims 13, 16 and 19 (Currently amended), Talluri in view of Faupel discloses a systems operation module for a telecommunications system, comprising:

a systems operation application interface [Fig.1] to provide access functions for the system [Col 5, Lines 64-67 and Col 6, Lines 1-5] [also Faupel: Fig.2],

a systems operation manager to control system operation **313** [Col 6, Lines 18-24] [also Faupel: Fig. 2 (MS1 and MS2)]; and

a computer program executable by a computer for causing the computer to perform a method [col 9, lines 48-65] comprising:

receiving a request for a system operation [Col 6, Lines 66-67 & Col 7, Line 1];

performing a plurality of checks to determine if the current setting of the particular configuration allows the requested change [Col 6, Lines 27-32, 39-46; Col 7, Lines 28-33];

updating the system [Col 4, Lines 9-11 & Col 7, Lines 6-11 and 39-48], including changing the rules for other parameters in the system depending upon a current system change request, the rules comprising one or more of alarm settings, range settings, and mode settings; and

changing the configuration in response to the change request [Col 4, Lines 12-14, Col 7, Lines 60-67 & Col 8, Lines 1-6].

; and carrying out the requested change [Col 4, Lines 12-14, Col 7, Lines 60-67 & Col 8, Lines 1-6].

Claims 13, 16, and 19 are similarly rejected using the citations and rationale provided for claim 1 above as the limitation of "updating the system including changing the rules for other parameters in the system...comprising one of alarm settings... in claims 13, 16, and 19 are addressed by claim 1.

13. Regarding claim 14 (Original), Talluri in view of Faupel discloses the systems operation module of claim 13, wherein the systems operation application interface comprises: a data structure (objects) containing a plurality of rule sets (i.e. fault states) for a plurality of parameters of the system [Col 6, Lines 8-17; also see Col 8, Lines 40-44], the plurality of rule sets cross referenced with one another to allow reconciling of a change in one parameter with the rules for all other parameters affected by the change in the one parameter [Col 7, Lines 60-67; see also Col 8, Lines 59-67 and Col 9, Lines 1-6].

Claim 14 is similarly rejected using the citations and rationale provided for claim 1 above as the limitations of a data structure, a plurality of rule sets and parameters of the system of claim 14 are addressed in the rejection of claim 1.

Conclusion

1. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

1. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Glenford Madamba whose telephone number is 571-272-7989. The examiner can normally be reached on M-F 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Zarni Maung can be reached on 571-272-3932. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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Glenford Madamba
Examiner
Art Unit 2151



Patrice Winder
PATRICE WINDER
PRIMARY EXAMINER